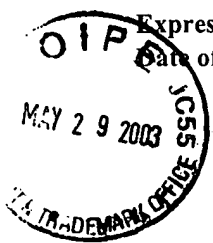


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Attorney Docket No. 24024-501CON2B

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Peled et al.
SERIAL NUMBER: 09/988,127
FILING DATE: November 19, 2001
FOR: METHODS OF CONTROLLING PROLIFERATION AND DIFFERENTIATION OF STEM AND PROGENITOR CELLS

EXAMINER: M. Belyavskyi
ART UNIT: 1644

TECH CENTER 1600/2900

May 29, 2003
Boston, Massachusetts

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Transmitted herewith for filing in the above-referenced patent application are the following documents:

- ☒ Response to Restriction/Election Requirement (2 pages);
- ☒ Petition for Extension of Time (1 page, in duplicate);
- ☒ One check (#16372) in the amount of \$55.00 in payment of extension fee; and
- ☒ Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room or the Application Branch is respectfully requested to contact the undersigned at 617 542-6000.

If any fees are to be assessed, the Commissioner is hereby authorized to charge the balance due to the undersigned's account, Deposit Account No. 50-0311, Reference No. 24024-501CON2B. A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,

Ivor R. Elrifi, Esq., Reg. No. 39,529
Barry J. Marek, Esq., Reg. No. 40,715
Attorneys for Applicants
c/o MINTZ, LEVIN
One Financial Center
Boston, Massachusetts 02111
Tel: (617) 542-6000
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Date of Deposit: May 29, 2003

Attorney Docket No. 24024-501CON2B

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RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

This is in response to the Restriction Requirement dated April 17, 2003 (Paper No. 11). A response was first due on or before May 17, 2003. A Petition for a one-month extension of time to respond and a check in the amount of \$55.00 is enclosed to cover the petition fee pursuant to 37 C.F.R. § 1.17(a)(1). With the extension, these documents are due on or before June 17, 2003. Please charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 24024-501CON2B.

Applicants provisionally elect the invention of **Group I**, (Claims 37-43), drawn to a method of *in vivo* expanding a population of cells, while at the same time inhibiting differentiation of the cells, classified in Class 424, subclasses 93.7, 577 and 405. Applicants reserve the right to prosecute the non-elected claims in one or more continuing applications and also respectfully reserve the right to traverse the Examiner's requirement of a restriction in a future response to the U.S. Patent and Trademark Office

The Restriction Requirement also requires the election of a singled disclosed species pursuant to 35 U.S.C. § 121. The Restriction Requirement states that if Group I is elected, applicant is required to elect a specific method of *in vivo* expanding a population of cells wherein a specific transition metal chelator is selected from the group recited in claim 43. In accordance

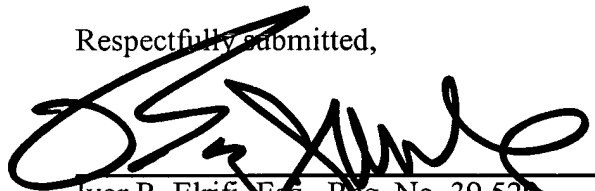
APPLICANTS: Peled et al.
U.S.S.N.: 09/988,127

with the Species Election Requirement, Applicants provisionally elects **tetraethylenepentamine (TEPA)** as the specific transition metal chelator.

Claims 37-43 are readable on the elected species. Applicants respectfully reserve the right to prosecute the non-elected claims and species in a continuation or divisional application and also respectfully reserve the right to traverse the Examiner's requirement of a restriction/election in a future response to the U.S. Patent and Trademark Office. Furthermore, upon allowance of a generic claim, Applicants understand that they may be entitled to claim additional non-elected species which fully embrace the allowed generic claim.

Should there be any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,



Date: May 29, 2003

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